

**DISTRICT CONSUMER DISPUTES REDRESSAL FORUM,  
LUDHIANA.**

Complaint no.662 of 16.09.2011

Date of decision:09.11.2011

Dr.Sanjeev Malhotra #435, Phase-4, SAS Nagar (Mohali) Pb.160059.

....Complainant.

Versus

- 1.Deputy Commissioner, Office of Deputy Commissioner, Ludhiana.
  - 2.District Revenue Officer, Office of Deputy Commissioner, Ludhiana.
  - 3.Incharge, RRA Branch, Office of Deputy Commissioner, Ludhiana.
- ...Opposite parties.

**COMPLAINT UNDER SECTION 12 OF THE  
CONSUMER PROTECTION ACT, 1986.**

**Quorum:** Sh. R.L.Ahuja, President.  
Smt.Priti Malhotra, Member.  
Sh.Rajesh Kumar, Member.

**Present:** Complainant Dr.Sanjeev Malhotra, in person.  
Ops ex-parte.

**ORDER**

**R.L.AHUJA, PRESIDENT.**

1. Complainant Dr. Sanjeev Malhotra, has instituted this complaint under Section 12 of the Consumer Protection Act, 1986 against Deputy Commissioner, Office of Deputy Commissioner, Ludhiana and others(hereinafter in short to be described 'Ops'), alleging deficiency in service on account of not supplying the information under RTI Act despite depositing requisite fee.

2. Case of the complainant is that complainant is an RTI Activist from RTI Activists Federation Punjab. Complainant had applied to OP1 vide an RTI application dated 7.7.2011 under S.6 of RTI Act for

*S. Kumar*  
*J. Kumar*

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information, which was sent to OP1 by Speed Post and RTI Fee of Rs.10 and postal charges of Rs.25 for getting secured information by Speed Post were remitted alongwith RTI application. A letter No.3559/2314/PIO/RTI dated 26.7.2011 from District Revenue Officer-cum-APIO, Ludhiana was delivered by ordinary post to appellant on 1.8.2011, showing that OP2 acting as the PIO, had sought assistance of OP3 u/s 5(4) of RTI Act for getting information since the requested information was held by RRA Branch. The information was thus to be supplied by OP2 to the complainant after collecting the same from OP3. Further OP2 informed the complainant that RTI Application has reached him on 18.7.2011 which cannot be correct date in view of date of posting. OP2 took a decision to supply the requested information to the complainant but the same had not been supplied by the Ops till date despite the fact that more than 67 days have elapsed after the RTI Application was sent by the complainant. Due to seriousness of the matter, complainant had filed another Application dt.7.7.2011 to Hon'ble Deputy Commissioner, Ludhiana, requesting for quicker action but the request has also not been addressed to. Requested information pertains to Red Cards issued by office of Deputy Commissioner, Ludhiana, which cards were issued to 1984-riots-affected families/persons by Punjab Government. By virtue of these Red-card, the Red card holders have become eligible for free houses and other

*opener*

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privileges by Punjab Government and its functionaries and hence these Red-Cards are very important documents. But some people have misused the Red-Cards and have indulged in criminal activities to get benefits in illegal manner. In year 2009-2010, some persons forcible occupied the vacant houses belonging to GMADA Mohali and the lawful private allottees of certain houses and then they filed writ petitions before Hon'ble High Court of Punjab and Haryana for getting their claimed possession regularized and got stay orders from the Hon'ble High Court. One of such petitions was CWP 17981/2009. In said petition Sh.Parminder Singh was petitioner No.13 and Sh.Madan Singh was petitioner No.14. Sh.Madan Singh had made submissions in said writ petition that he was resident of and was in occupation of H.No.LIG 2023, Sector-70, SAS Nagar. The truth is that there has never existed a house with the address as LIG 2023, Sector-70, SAS Nagar. He mislead the Hon'ble High Court and managed to get stay order from the Court qua the above said house, which actually did not exist. The Red Card attached by Sh.Madan Singh with the said petition to prove his identity does not have any photograph on it while the typed copy of the said same Red-Card states that there is attested photograph of Madan Singh on the Red card. This makes the genuineness of submitted Red-Card also suspicious. Therefore, it is required that the requested information on Red-Cards be disclosed to stop such criminal activities

*Signature*

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and to bring to book dubious persons by bringing the facts in notice of Hon'ble High Court of Punjab and Haryana. The Red-cards have been used by the holders for getting privileges from State Government of Punjab and have been produced in different offices for the said purposes but the genuineness of the submitted Red-Cards only be certified by the issuing authority, that is, Office of Deputy Commissioner, Ludhiana. So, disclosure of requested information is in larger public interest in view of significance of the matter. As the complainant required the requested information from Ops under RTI Act but Ops failed to provide the same, despite depositing requisite fee by the complainant, which amounts to deficiency in service on the part of Ops. Hence, by filing the present complaint, complainant has prayed that OPs be directed to supply the requested information immediately alongwith Rs.50,000/- as compensation on account of deficiency in service and also direct the OP1 to deduct the amount of compensation from the salaries of responsible employees besides litigation expenses.

3. Notice of the complaint was sent to the OPs duly served but none appeared and such, Ops were proceeded ex-parte vide order dt.18.10.2011 of this Forum.

4. In order to prove his case, complainant in his ex-parte evidence tendered his affidavit Ex.CW1/A alongwith documents Annexure-C1 to Annexure-C6 and closed his ex-parte evidence.

*admission*  
*J.K.*

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5. We have considered the written arguments filed by the learned counsel for the complainant and have very carefully perused the evidence on the file.

6. Perusal of the record reveals that complainant has placed on record his affidavit Ex.CW1/A, in which, he has reiterated all the allegations made by him in the complaint regarding information sought by him from the Ops under RTI ACT, but Ops failed to supply the same, despite receiving the requisite fee qua the application moved by the complainant. He has also proved on record the documents Annexure-C1 copy of Form-A for application for information U/s 6(1) of Right to Information Act, 2005 moved by the complainant with Ops qua information regarding Red cards issued to 1984-Riots Affected persons, Annexure-C2 copy of postal receipt, Annexure-C3 copies of Indian postal order receipts, Annexure-C4 copy of letter written by the complainant to Officer Incharge, R.R.A.Branch, Ludhiana regarding supply of information under RTI Act, Annexure-C5 copy of letter written by the complainant to Hon'ble Deputy Commissioner regarding Red Cards issued by Office of Deputy Commissioner, Ludhiana and Annexure-C6 copy of letter sent to the complainant by Assistant Officer-cum-A.P.I.O, Mohali.

*Dr. K. S. Mehta*

*J. K.*

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7. Since, the OPs did not appear and contest the present complaint, so evidence adduced by the complainant goes unchallenged and unrebutted.

8. From the allegations of the complainant as well as the evidence on record, it is proved on record that complainant had sought information under RTI Act by moving application Ex.C1 regarding Red-Cards issued to 1984-Riots affected persons from the OPs and OPs failed to supply the information as sought by the complainant under RTI Act despite depositing requisite fee by the complainant, due to which, complainant has suffered harassment, mental pain and agony. Thus, Ops are proved to be deficient in their services.

9. In view of the above discussion, by allowing this complaint, we direct OPs to supply the information as sought by the complainant under RTI Act within 30 days from the date of receipt of copy of order. Further Ops are directed to pay compensation and litigation costs compositively assessed to Rs.1000/-(One thousand only) to the complainant. Order be complied within 30 days from the date of receipt of copy of this order. Copies of the order be sent to the parties free of cost and thereafter, file be consigned to the record room.

6502  
07-12-11

(Priti Malhotra)  
Member

(Rajesh Kumar)  
Member

(R.L.Ahuja)  
President

Announced in Open Forum.

Dated:09.11.2011

Gurpreet Sharma

29-11-2011

29/11/11  
Free & Cost

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Gurpreet Sharma, 21